

REMARKS

In response to the Office Action dated September 28, 2009, Applicant respectfully requests reconsideration.

Claims 1-21 have been examined. By this submission, Applicant is amending claims 1, 4 and 23; and adding claim 24. Claims 1-9, 11 -16 and 18 - 24 remain in the application with claims 1 and 24 being independent claims. Applicant respectfully submits that no new matter has been added.

Interview Summary

Applicant would like to thank the Examiner for the courtesies extended to Applicant's attorney in the telephone interview conducted on December 11, 2009. While no agreement was reached, Applicant appreciates the Examiner's comments and efforts in explaining his position with respect to the cited references and the pending claims.

The Examiner and the Applicant's attorney discussed some proposed claims amendments with respect to the cited references. The Examiner explained his position with regard to the claims and the cited references and that there appeared to be a need for claims language that further clarified the structure of the assembly. The Examiner suggested some possible changes to the claims language that might address these issues.

The Applicant is submitting claims amendments herewith that are believed to address the Examiner's concerns and it is Applicant's intention to submit these claims amendments in order to move prosecution of the pending application forward.

Rejections Under 35 U.S.C. § 102

Claims 1, 6, 7, 9, 11, 12 and 14 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Okubo, U.S. Patent 5,480,596. Applicant respectfully traverses.

Okubo is directed to an apparatus and method for producing an optical recording medium to form a photo-curable resin layer that bears a pattern corresponding to pre-formatting information. (Abstract). Referring to Okubo, Fig. 1, a substrate sheet 1 is fed through feed rolls 2 and a photo-cured resin layer 9' is formed on the substrate 1. The photo-cured resin layer 9' has a pattern formed on it from a roll stamper 3 and, as a result, a

substrate sheet for an optical recording medium is obtained where the patterns of the stamper have been transferred to the photo-curable resin layer on the substrate sheet. (Column 4, line 58-Column 5, line 28; Fig. 1).

Okubo discloses that the substrate sheet 1 is transported past the roll stamper 3 in order to provide the resin layer with the desired pattern. Further, an ultraviolet lamp 13 is provided above the roll stamper 3 to cure the resin layer 9' as the substrate sheet 1 is passed through. Thus, Okubo discloses a stationary roll stamper 3 and ultraviolet light 13 that remains in place as a flexible substrate 1 is transported past.

As the rejected claims depend from independent claim 1, Applicant submits that Okubo does not anticipate that which is recited in independent claim 1, as amended, for at least the reason that Okubo does not disclose a microstructure generating tool with a pressure roller assembly comprising a first pressure roller moveably driveable over a surface with a matrix disposed around the pressure roller assembly for pressing onto the surface. Further, there is no disclosure of the pressure roller assembly and matrix arranged so that when "a center of gravity of the pressure roller assembly is driven over the surface," the matrix executes a rolling movement and a curing device is "coupled to the pressure roller assembly" so that when the pressure roller assembly is driven over the surface, the curing device "moves along with the pressure roller assembly" and the curing device acts on a part of the surface "over which the pressure roller assembly has been driven," as recited in claim 1, as amended. Applicant submits that support for the amendments to claim 1 is found at least at page 4, lines 24 - 28 of the specification as originally filed.

Advantageously, embodiments of the present invention allow for a device that can be moved over a surface to be micro-structured. It is especially advantageous if large surface areas, for example, airplane wings, have to be micro-structured as the tool can be moved instead of the surface. Okubo discloses only a curing device that is stationary with respect to a surface to be micro-structured as it is moved past the tool, instead of the tool moving over the surface.

Accordingly, for at least the reasons submitted above, Applicant respectfully submits that independent claim 1, and its dependent claims 6, 7, 9, 11, 12 and 14, are not anticipated by the Okubo reference.

Rejections Under 35 U.S.C. § 103

Claims 1-9, 11-16 and 18-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Flohr-Shmitt, DE 19613383. Applicant respectfully traverses.

As all rejected claims depend from independent claim 1, Applicant respectfully submits that Flohr-Shmitt does not render obvious that which is recited in claim 1, as amended, for at least the reason that Flohr-Shmitt does not disclose, teach, or suggest a microstructure generating tool with a pressure roller assembly comprising a first pressure roller moveably driveable over a surface with a matrix disposed around the pressure roller assembly for pressing onto the surface. Further, there is no teaching or suggestion of the pressure roller assembly and matrix arranged so that when “a center of gravity of the pressure roller assembly is driven over the surface,” the matrix executes a rolling movement and a curing device is “coupled to the pressure roller assembly” so that when the pressure roller assembly is driven over the surface, the curing device “moves along with the pressure roller assembly” and the curing device acts on a part of the surface “over which the pressure roller assembly has been driven,” as recited in claim 1.

Flohr-Shmitt is directed to a die that applies micro-structures, especially flat surface holograms, diffractive structures or holographic optical elements to an object. The die material is a plastic which hardens after processing while retaining flexibility. (Abstract). Applicant maintains that Flohr-Shmitt teaches that the surface 10 passes through the micro-structure surface roller 16 and another roller 14. It is clear that the surface 10 is moving through the two rollers 14, 16 as indicated by the arrow showing movement of the surface 10.

Thus, for reasons similar to those submitted above with respect to Okubo, Applicant respectfully submits that Flohr-Shmitt does not render obvious that which is recited in claims 1-9, 11-16 and 18-21, as Flohr-Shmitt, similar to Okubo, is directed to a stationary system and not to one that is meant to move over a surface on which a micro-structure is to be applied.

New independent claim 24 is directed to a microstructure surface generating tool comprising a pressure roller and a matrix “being an endless strip disposed around” the pressure roller along with a curing device coupled to a pressure roller assembly. Further, when a center of gravity of the pressure roller assembly executes a movement on the surface, the

matrix executes a rolling movement between the at least one pressure roller and the surface and the curing device moves "along with the pressure roller assembly and acts on the part of the surface over which the pressure roller assembly has been driven."

Applicant respectfully submits that new independent claim 24 is patentable over the references of record for at least the reasons submitted above with respect to independent claim 1.

In view of the foregoing, Applicant believes the pending claims are in condition for allowance and a notice to this effect is earnestly solicited. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application. The Examiner is hereby authorized to charge any fees due to this submission, or credit any balance, to Deposit Account No. 23-0804.

Respectfully submitted,

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